Filed 3/11/14 In re L.C. CA4/3

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re L.C., a Person Coming Under the Juvenile Court Law.	
ORANGE COUNTY SOCIAL SERVICES AGENCY, Plaintiff and Respondent, v. S.C., Defendant and Appellant.	G049150 (Super. Ct. No. DP023123) O P I N I O N

Appeal from orders and findings of the Superior Court of Orange County, Dennis J. Keough, Judge. Affirmed.

Lisa A. Raneri, under appointment by the Court of Appeal, for Defendant and Appellant.

Nicholas S. Chrisos, County Counsel, and Karen L. Christensen, Deputy County Counsel, for Plaintiff and Respondent.

No appearance for Minor.

* * *

INTRODUCTION

S.C. (Mother) is the mother of L.C., who was taken into protective custody at the age of 11 in October 2012. Mother appeals from the juvenile court's orders and findings under Welfare and Institutions Code section 366.21, subdivision (e),[1] made at the six-month review hearing conducted on August 28, 2013. Although the court continued reunification services, Mother contends she was aggrieved by the finding that Orange County Social Services Agency (SSA) had offered her reasonable services. In particular, she argues SSA failed to schedule visitation with L.C. to accommodate Mother's schedule and failed to facilitate conjoint therapy between Mother and L.C. We conclude substantial evidence supported the juvenile court's findings and therefore affirm.

FACTS AND PROCEDURAL HISTORY

I.

Detention

L.C. was taken into protective custody in October 2012, pursuant to a protective warrant based on allegations of physical abuse and neglect. The detention report stated: "The child, L[.C.], is afraid of [M]other 'every day' and she often goes to sleep 'with tears in my eyes[.'] The child is afraid [M]other will yell at her or hurt her. She says, 'I don't know what she's capable of.' Typical discipline is [M]other hitting her on the top of her head with an open or closed hand, always two times in a row. She says it hurts and she tries to block it with her hands. She says [M]other also kicks her on her

[1] Further code references are to the Welfare and Institutions Code unless otherwise indicated.

leg or her bottom, slaps her face, arm or stomach, and shoves her into a corner. The child disclosed that [M]other sometimes leaves bruises on her from hitting her. The last time she was hit was approximately one week ago, which resulted in a bruise on the back of her left upper arm. L[.C.] says that [M]other gets very angry over little things, just as much as the bigger things, and that she never knows what is going to anger [M]other. [¶] [M]other has been heard telling the child she is a retard, mental, dyslexic, unstable and stupid. [M]other claims that she is home schooling the child, but [M]other does not have an education plan." The detention report described Mother as having "an unresolved mental illness which has affected her ability to parent the child" and reported that Mother had been involuntarily hospitalized in 1994, 1995, and 1996.

Mother told the social worker that L.C. is "disabled and special needs" but became argumentative when asked what that disability was. Mother insisted L.C. had been mentally ill since the age of three, but would not disclose the names of any physicians who had treated her. The detention report stated: "[M]other described the child in predominantly negative terms, repeatedly saying the child 'likes to control and manipulate' and 'fools the shrinks[.']"

The juvenile dependency petition alleged three counts: (1) serious physical harm (§ 300, subd. (a)); (2) failure to protect (§ 300, subd. (b)); and (3) serious emotional damage (§ 300, subd. (c)). On October 12, 2012, the juvenile court ordered L.C. detained and authorized six hours per week of monitored visits with Mother.

Initially, Mother did not make herself available for an interview with the assigned social worker. Mother left messages about the danger posed by her sister (maternal aunt) and her husband. Mother contacted the staff of the group home at which L.C. had been placed, accused them of denying her rights to see L.C., and asked if she could retrieve items L.C. purportedly had stolen. On October 17, 2012, staff at the group home tried to arrange for Mother to visit L.C., but Mother did not confirm the

appointment, saying that she had a doctor's appointment regarding brain surgery. SSA arranged a visit between Mother and L.C. for October 26, 2012. L.C. refused to attend.

Staff at the group home described L.C. as adjusting well, very social, helpful, having a good sense of humor, liking school, and not having any behavioral problems. L.C. reported having had nightmares. She wanted no contact with Mother and said the thought of being returned to her "freaks me out." L.C. wanted to live with her maternal aunt in Illinois.

II.

Jurisdictional/Dispositional Hearing

The SSA jurisdiction/disposition report, dated November 8, 2012, reported that L.C. had told the assigned social worker that "[M]other was 'very mean to me,' and 'yelled at me a lot.'" L.C. told the social worker that Mother called her names and was abusive, and that L.C. was "never happy" when with Mother. L.C. confirmed the allegations of physical abuse. According to L.C., Mother had kicked her, slapped her, and hit her "around her body." L.C. stated that Mother believed she could get money by showing that L.C. was mentally ill.

The report stated: "The child stated that she 'never' wants to return back home to [M]other. The child stated that she 'never' wants to see [M]other again because of the way she treated her. The child stated that, even if [M]other gets the help she needs, the child still does not want to see [M]other."

The SSA addendum report No. 1, dated December 3, 2012, reported that the social worker had arranged to interview Mother on November 20, 2012, but, on November 19, Mother's attorney informed the social worker that Mother was unable to meet that day due to a "preexisting medical appointment." The social worker met with L.C. on November 20, and, according to the addendum report: "In regards to her visits with [M]other, the child stated that at this point she continues to not want to visit [M]other or have any telephone contact with her. The undersigned informed the child

that both visits and telephone calls are monitored. The child reported that she is scared of what [M]other will tell her. The undersigned assured the child that, if [M]other at any time makes her feel uncomfortable, the visit can be terminated. The child stated that she will consider visiting [M]other."

A hearing was conducted in December 2012, regarding a request for authorization for L.C. to visit her maternal aunt and uncle in Illinois. At the hearing, Mother testified she had short-term memory loss due to postconcussion syndrome and L.C. was "special needs, disabled and emotionally, developmentally a kindergartener." Mother testified that L.C. could not travel alone because she has severe anxiety panic attacks. The juvenile court ordered the visit. The maternal aunt reported that L.C. had a wonderful visit, even though Mother had called the Chicago police and told them L.C. was in danger in the maternal aunt's care. L.C. was not present when the police arrived at the maternal aunt's home.

On January 11, 2013, Mother's attorney called the social worker to ask about visits with L.C. in a therapeutic setting. The social worker said that L.C. continued to refuse to visit Mother, that L.C. wanted a female therapist, and that it was taking some time to accommodate that request. A visit was scheduled for January 14, 2013, at SSA's south county office with the social worker as the monitor. Mother arrived on the scheduled date and time, and the place scheduled for the visit, but, due to a calendaring error, the social worker did not appear and the visit was not held. Later that day, the social worker conveyed his apology to Mother and offered to reschedule the visit for the next day. Mother stated she was not available for a visit the next day because she had to be in court in San Diego.

A monitored visit was held on February 6, 2013. Mother arrived on time, greeted L.C. with a big smile, asked how she was, and asked for a hug, which L.C. refused. Mother reminisced about good times in the past, and asked about school and her foster parents. L.C. smiled a bit but made little eye contact with Mother. When Mother

asked L.C. if she wanted another visit, L.C. "remained quiet with her head down." She did not hug Mother when saying goodbye and later told the social worker she did not want to visit Mother again.

The SSA addendum report No. 4, dated February 15, 2013, stated: "During the transport back to L[.C.]'s foster home, the undersigned asked L[.C.] how she felt about her first visit with [M]other. L[.C.] stated that [M]other was nice during the visit, but feels like [M]other has not changed. The undersigned encouraged L[.C.] to give it time. The undersigned talked about setting up another visit, but L[.C.] stated that she does not want to have another visit. The undersigned informed L[.C.] that the undersigned will give her time to process the first visit and revisit the idea of visiting [M]other again in a couple of days."

The jurisdictional/dispositional hearing was conducted in February 2013. After hearing testimony, the juvenile court found the allegations of counts 2 and 3 of the petition (as amended by the court) true by a preponderance of the evidence, declared L.C. a dependent child, removed L.C. from Mother's care and vested custody with SSA, and ordered Mother to undergo an Evidence Code section 730 evaluation (the section 730 evaluation). The court ordered reunification services in accordance with SSA's December 3, 2012 case plan. That case plan required Mother and L.C. to participate in conjoint therapy with a therapist approved by SSA "to address the allegations in the petition and the reasons the child was taken into protective custody." Mother was granted two one-hour visits per week with L.C.

III.

Mother's Participation in Reunification Services

In an interim review report dated April 25, 2013 (the April 25 Report), the assigned social worker commented she was unable to arrange a meeting in person with Mother, who would not provide any information about a time and place to meet. Mother claimed all her information was confidential because she was in the witness protection

program. In a telephone conversation on March 7, 2013, the social worker told Mother, "in order to provide [you] with referrals for case plan services [I] need[] to know what location to send the referrals to." Mother would not provide information but said, "I could be in Hawaii or Nevada or some where [*sic*] else."

The April 25 Report stated: "On March 12, 2013, [M]other called the undersigned upset about having to complete the 730 evaluation. [M]other was upset with her attorney because she was informed that she has to comply with her case plan. [M]other informed the undersigned that she has several medical problems that stem [from] an automobile accident. [M]other informed the undersigned that she needs to take care of her medical needs and needs to have surgery before she can do any case plan services. [M]other asked for online parenting. The undersigned sent [M]other an email with a few websites for online parenting. The undersigned asked [M]other how the undersigned could help and what the purpose of the call was. [M]other did not answer. After three attempts to get an answer from [M]other as to how the undersigned could help, the undersigned terminated the call. The undersigned was not able to discuss or arrange visitation with [M]other as she would not allow the undersigned to talk much during the telephonic conversations."

The April 25 Report further stated: "As of the writing of this report, the undersigned has not heard from [M]other as to the status of her medical situation or if [M]other has completed any services. The undersigned has not been able to meet with [M]other in person. The undersigned's only way of communicating with [M]other is through email or if [M]other calls the undersigned." The social worker sent Mother an e-mail on April 17, 2003, asking her for updated information about her health and asking, "what times and days would be good for her to visit the child."

A progress review hearing was conducted on April 25, 2013. Mother addressed the court at length on a wide range of issues. Mother claimed that L.C. had gained weight due to medications, complained about the social worker, asserted her

mother and maternal aunt had offered her money for L.C., and alleged that L.C. had stolen her cell phone and some 50 other items. After listening to Mother, the juvenile court stated: "The court would note that [M]other's—as she has presented in court today, presents as a disturbed individual." The court denied Mother's request for a different social worker. The court modified the section 730 evaluation to include an evaluation as to whether Mother understood the proceedings and could assist her counsel in protecting her interests in the companionship, custody, control, and maintenance of L.C. The court had Mother's counsel contact the evaluator's office to schedule a telephone interview with Mother. The interview was scheduled for May 14, 2013 at 10:00 a.m.

At the progress review hearing on April 25, 2013, Mother declined to sign a referral for case plan services. The social worker sent the referral to Mother's attorney.

The SSA interim review report, dated May 29, 2013, stated that Mother did not call in for her appointment for the section 730 evaluation, as was required by her case plan and arranged at the April 25, 2013 hearing, and that "[M]other has not completed any case plan services at this time." The social worker had been communicating with Mother's counsel, regarding services and visitation. Counsel informed the social worker that Mother was available for visits on weekends. The report stated: "The undersigned is completing a monitored visitation referral for transport and visitation for [M]other and child. On May 23, 2013, the undersigned met with the child and discussed visitation. The child informed the undersigned that she does not want to talk with [M]other or see her. The undersigned informed the child that we had to try with phone calls and visits."

At a progress review hearing on May 29, 2013, the juvenile court ordered "a conjoint therapeutic setting where visitation is to take place." The court ordered conjoint therapy at least twice a month.

The therapist's office informed the social worker it did not have weekend hours to accommodate Mother. A conjoint session was set for Wednesday, June 12. L.C. was aware that if she cancelled the visit, she would have to appear in court June 14. The

SSA interim review report, dated June 14, 2013, stated: "On June 6, 2013, the undersigned emailed [M]other to inform her about the order for conjoint therapy. On June 7, 2013, [M]other responded to the undersigned's email. [M]other did not mention the conjoint counseling but did respond to the visitation. On June 10, 2013, the undersigned received an email from [M]other asking if the counseling could be on the weekend. The undersigned responded to [M]other. The clinic does not have weekend appointments. [M]other is not sure if she will be able to attend the counseling session on June 12, 2013. [¶] The undersigned has not been able to meet with [M]other face-to-face as [M]other has not provided the undersigned with a location for the meeting. [M]other sent the undersigned an email asking if the undersigned could meet her out of state. The undersigned does not believe that this will be approved by the County."

At a progress review hearing on June 14, 2013, the juvenile court ordered funds for rail transportation for Mother to attend case plan services and authorized a bus pass for visitations with L.C. The court ordered SSA to arrange for monitored visitation in south Orange County. The court authorized Mother to enroll in online parenting classes from a list provided by SSA. Mother could obtain funding for the online parenting course by providing information regarding the program, her financial resources, and disability. The court authorized the use of Skype or other electronic means as an alternative means of visitation and therapy.

Mother was provided the location, telephone number, and address of L.C.'s therapist in order to participate in conjoint therapy. Mother was given a bus route to the therapist's office. Mother never attended conjoint therapy with L.C. On June 16, Mother sent the social worker an e-mail stating Mother did not use Skype.

Mother had a monitored visit with L.C. on June 30, 2013. Between June 11 and June 30, 2013, the social worker and Mother exchanged over 20 e-mails to arrange the visit and accommodate Mother's preferences for date, time, and location. On the way to the visit on June 30, L.C. told the monitor she was "scared" and did not want to go.

The monitor told L.C. he would ensure her safety at the visit. At the visit, Mother and L.C. said "hi," but made no physical contact. They talked about several things, and Mother was "appropriate." When the visit ended, L.C. got up quickly and headed out the door. L.C. told the monitor the visit went "pretty well."

L.C. missed a scheduled visit with Mother on June 23, 2013 because the maternal aunt and uncle were visiting from Illinois. L.C. did not attend a visit on July 7, 2013 because she wanted to go to church to learn a song instead.

L.C. visited with Mother on July 21, 2013. Mother greeted L.C. with a hug, but L.C. did not hug Mother. While L.C. went to look for a book, the monitor attempted to give Mother the packet with the referral for services. Mother began to explain how it would take her six hours to get to L.C.'s therapy sessions. L.C. returned with the book and she discussed it with Mother. While L.C. looked for another book, Mother began to complain about having to undergo an evaluation "when it is the child that [*sic*] has issues." Mother said she had taken L.C. to two different psychologists and both had told Mother that L.C. was "untreatable." At the end of the visit, Mother walked L.C. to the car. Mother told L.C. she "loved her," to which L.C. responded, "thanks." L.C. allowed Mother to hug her, but did not hug Mother back.

The social worker had given L.C.'s caretakers a packet to give to Mother at the visit with L.C. on July 21, 2013. The packet included a referral for case plan services, which Mother needed to sign, free parenting classes, and a bus pass. The visitation monitor tried to give Mother the packet. She took the bus pass and refused everything else.

L.C. visited with Mother again on July 28, 2013. Mother greeted L.C. with a hug; L.C. did not hug her back. Mother and L.C. went to a pet store, ate, talked about a friend's wedding, and looked at photographs. Mother took a few photographs of L.C. Mother focused on L.C. and did not talk about the case or anything related to L.C.'s

issues or therapy. At the end of the visit, Mother told L.C. she "loved her," to which L.C. responded, "thanks." Mother hugged L.C.; L.C. did not hug her back.

L.C.'s caretakers reported that L.C. did not appear to be upset after a visit with Mother. L.C. told her therapist she "just tolerates" the visits and knows she has to visit Mother.

The SSA status review report, dated August 19, 2013, concluded: "Mother's cooperation with the case plan and efforts and progress made toward alleviating or mitigating the causes necessitating court involvement have been: [¶] None." (Some capitalization omitted.) The report offered the social worker's opinion that Mother was "resistant to the help [SSA] wants to give her," Mother was not interested in meeting with the social worker, "appears to be too busy with work to be involved with the child's therapy session[s]," and "appears to only want to be involved if things fit into her time frame when she wants and where she wants." The report noted that Mother had not signed the case plan and refused to meet with the social worker to review the plan in person.

On August 26, 2013, upon returning from vacation, the social worker received in the mail a referral for services signed by Mother.

An SSA addendum report, dated August 28, 2013, stated: "The case plan that was adopted by the court stated [M]other is to have twice weekly visitation. The undersigned has provided once a week visitation for two hours. The undersigned would willingly provide [M]other with additional visitation if [M]other would make herself available. [M]other has continually stated she is unable to ride the bus or attend visits outside of weekend afternoon hours in South County. Due to [M]other[']s] strict limitations, providing once a week visits for two [h]ours has been the only viable option for the agency."

This addendum report related an e-mail received from Mother, stating: "Please find someone else besides Wendy Gomez for visitation[s] are uncomfortable with

her & I will just want to enjoy my time with my daughter (not deal with a bitchy social worker) I will not attend Sunday because, she is always very late–gets lost & I have to accommodate her being a new mom & it's ridiculous!!!"

IV.

Six-month Review Hearing

The six-month review hearing was conducted on August 28, 2013. The juvenile court took note of a stipulation providing that if Mother testified, she would testify that "she told the social worker that she can be more flexible a while ago, and to visit, with visits, not just on Saturday and Sunday." The court stated: "[T]he court accepts this as [M]other's testimony, if called, she would testify in accordance with this. [¶] The court would have significant reason and has significant reason to question the accuracy of the purported testimony. The court in this instance would note that [M]other has been resistant and in other particulars to the services, and this propensity seems to explicitly have also occurred with the issues of visitation, that by setting out parameters that limit the opportunity that she has again proved, or has been resistant to visitation."

The juvenile court found that Mother had been provided reasonable services but had made no progress toward alleviating or mitigating the causes necessitating L.C.'s placement. The court found that SSA had complied with the case plan. The court found, "there is a substantial probability the child may be returned to the physical custody of a parent, to [M]other within six months" and ordered that reunification services be continued. The court authorized conjoint therapeutic visits, "make up visits," and twice-weekly monitored visits for Mother. Mother timely filed a notice of appeal from the orders made at the six-month review hearing.

APPELLATE JURISDICTION

Initially, we address whether we have jurisdiction over Mother's appeal from the six-month review hearing orders. Section 395, subdivision (a)(1) provides, in relevant part, "[a] judgment in a proceeding under Section 300 may be appealed in the

same manner as any final judgment, and any subsequent order may be appealed as an order after judgment." In a section 300 proceeding, the order entered at the dispositional hearing is considered to be a final judgment, and subsequent orders are considered to be appealable as postjudgment orders. (*In re T.G.* (2010) 188 Cal.App.4th 687, 692.)

To have standing to appeal from a postjudgment order in a juvenile dependency proceeding, a parent must be aggrieved by the order. (*In re T.G.*, *supra*, 188 Cal.App.4th at p. 692.) "'For purposes of appellate standing in dependency cases, a parent is aggrieved by a juvenile court order that injuriously affects the parent-child relationship.'" (*Ibid.*)

In *Melinda K. v. Superior Court* (2004) 116 Cal.App.4th 1147, 1150, the Court of Appeal held the juvenile court's finding made at the six-month review hearing that reasonable services had been provided to the mother was not appealable. The court reasoned the mother was not aggrieved by that finding at the time it was made because the juvenile court had continued reunification services, had found the mother was in compliance with her case plan, and had taken no adverse action against her. (*Id.* at pp. 1150, 1152.)

In contrast, in *In re T.G.*, *supra*, 188 Cal.App.4th at page 696, the court held a reasonable services finding made as part of a six-month review hearing order was adverse to a parent's interest in reunification and therefore was directly appealable. Although the juvenile court had continued reunification services, the Court of Appeal concluded the father was aggrieved by the reasonable services finding because the juvenile court also found the father was not in compliance with his case plan, the father's progress in mitigating or alleviating the causes necessitating placement was inadequate, and it was not reasonably probable the child would be returned to the father's custody. (*Id.* at p. 693.)

This case is closer to *In re T.G.* than it is to *Melinda K v. Superior Court*. At the six-month review hearing in this case, the juvenile court continued reunification

services and found that reasonable services had been provided, but found that Mother had made no progress in alleviating or mitigating the causes necessitating placement, that Mother had failed to participate regularly in services, and that Mother had made no progress in her court-ordered treatment plan. In light of these findings, Mother was sufficiently aggrieved by the six-month review hearing orders to having standing to appeal, even though the juvenile court made the favorable order continuing reunification services.

DISCUSSION

I.

Standard of Review

Except under circumstances not applicable here, reasonable reunification services must be offered when a child is removed. (§ 361.5; *Earl L. v. Superior Court* (2011) 199 Cal.App.4th 1490, 1501.) Whether the reunification services offered were reasonable and suitable is judged according to the circumstances of the particular case. (*Earl L. v. Superior Court*, *supra*, at p. 1501.) "'[T]he record should show that the supervising agency identified the problems leading to the loss of custody, offered services designed to remedy those problems, maintained *reasonable* contact with the parents during the course of the service plan, and made *reasonable* efforts to assist the parents in areas where compliance proved difficult . . . .' [Citation.]" (*Ibid.*)

We review the juvenile court's finding that reasonable services had been provided or offered under the substantial evidence standard. (*Katie V. v. Superior Court* (2005) 130 Cal.App.4th 586, 598; *Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1010.) "[I]n reviewing the reasonableness of the reunification services provided by [SSA], we must . . . recognize that in most cases more services might have been provided, and the services which are provided are often imperfect. The standard is not whether the services provided were the best that might have been provided, but whether they were reasonable under the circumstances." (*Elijah R. v. Superior Court* (1998) 66

Cal.App.4th 965, 969.) In reviewing the reasonableness of services offered, we view the evidence in a light most favorable to the respondent and draw all reasonable inferences to uphold the juvenile court's order. (*In re Mary B.* (2013) 218 Cal.App.4th 1474, 1483; *Christopher D. v. Superior Court* (2012) 210 Cal.App.4th 60, 70.)

II.

Substantial Evidence Supported the Finding of Reasonable Services.

A. *Visitation*

Mother argues, "[t]here is no substantial evidence that [SSA] provided [Mother] reasonable services with respect to visitation, especially during the three-month period prior to the six-month review hearing." Mother contends SSA did not accommodate her need for weekend visits, specifically requested by her attorney, and by "yielding to L[.C.]'s refusal to visit [M]other."

Viewing the evidence in a light most favorable to the respondent and drawing all reasonable inferences to uphold the juvenile court's order (*In re Mary B.*, *supra*, 218 Cal.App.4th at p. 1483), we conclude the record shows that SSA made reasonable efforts to overcome the obstacles Mother placed on visitation and to accommodate her schedule. Demanding only weekend visits placed severe restrictions on scheduling visitation. In addition, since the outset of the case, Mother refused to meet with the social worker in person or to provide any personal information except for her e-mail address. As a consequence, the social worker could only communicate with Mother by e-mail or by awaiting her telephone call. Even then, communication was difficult.

In October 2012, Mother did not attend a visit arranged by the staff at the group home at which L.C. had been placed. L.C. refused to attend a visit with Mother on October 26, 2012, and informed the social worker she did not want to see Mother ever again. A scheduling mistake by the social worker meant a visit on January 14, 2013 did

not go forward; however, Mother claimed she was not available on the following day. A monitored visit did take place on February 6, 2013.

In March 2013, Mother called the social worker three times, but the social worker "was not able to discuss or arrange visitation with [M]other as she would not allow the undersigned to talk much during the telephonic conversations." Mother informed the social worker she needed to take care of her medical needs and have surgery before she could do any case plan services. As of April 17, 2013, the social worker had not heard from Mother about the status of her medical condition and whether she had completed any services. On that date, the social worker sent Mother an e-mail asking for updated information and to learn what times and days would be good for visiting L.C. It was not until the hearing on April 25, 2013 that SSA was informed, by Mother's counsel, that Mother was available for visits with L.C. only on weekends.

Mother contends there was an unreasonable delay in obtaining the necessary visitation referrals. We disagree. At the six-month hearing, Mother's counsel acknowledged that Mother's counsel did not furnish the social worker with information about Mother's availability until May 20, 2013. The SSA interim review report, dated May 29, 2013, stated the social worker was completing a monitored visitation referral. The referral was completed within a reasonable time and submitted on June 3, 2013.

SSA arranged to have monitored visits on June 23 and 30, and July 7, 21, and 28, 2013. These visits required some effort to arrange. Between June 11 and June 30, 2013, the social worker and Mother exchanged over 20 e-mails to arrange visits. These were scheduled to be held at SSA's south Orange County office to accommodate Mother, who had been provided a bus pass. Mother had been authorized two one-hour visits per week; due to her time restrictions, SSA provided one two-hour visit per week instead.

As Mother points out, L.C. missed the visits on June 23 and July 7; however, the juvenile court authorized makeup visits and continued reunification

services. The SSA addendum report, dated August 28, 2013, stated: "The undersigned would willingly provide [M]other with additional visitation if [M]other would make herself available." The juvenile court found that Mother had been resistant to services and to visitation.

Mother compares her case to *Christopher D. v. Superior Court*, *supra*, 210 Cal.App.4th at page 73, in which the father argued he did not receive reasonable services because he had only two visits with his daughter over a three-month period when he was in a drug treatment program. The social worker in that case explained the reason for the number of visits was that she was available only one day per week, had a heavy caseload, and transportation was difficult. (*Ibid.*) The Court of Appeal found that substantial evidence did not support the juvenile court's finding that reasonable services had been offered because the social services agency had not made reasonable efforts at arranging visits: "The social worker's excuses of being *too busy* and [the father]'s drug rehabilitation center being *too far* simply do not provide substantial evidence that the Agency exercised a good faith effort to provide the visitation services ordered by the court." (*Id.* at p. 74.) Here, in contrast, Mother limited visits to weekends, the social worker was willing to provide more visits if Mother would make herself more available, and the juvenile court found that Mother was resistant to visitation.

Mother suggests the social worker should have unilaterally created a regular visitation schedule and provided that schedule to Mother—leaving it up to her to decide whether to attend. It was reasonable for the social worker to try to work with Mother to create a visitation schedule. As SSA points out, the social worker also had to coordinate with a monitor, L.C., and L.C.'s caretakers, and could not reasonably expect them to alter their schedules and appear for a visitation only to have Mother not attend.

Mother argues that SSA in effect gave L.C. a veto power over visits. We disagree. SSA was faced with the delicate task of persuading L.C., who justifiably did not want to see Mother, to attend visits with her. On November 20, 2012, L.C. told the

social worker she did not want to see Mother or speak with her by telephone because L.C. was scared of what Mother would say. The social worker assured L.C. the visits and calls would be monitored and could be terminated if Mother made her feel uncomfortable. Following a monitored visit on February 6, 2013, when L.C. stated she did not want to visit Mother again, the social worker encouraged L.C. to "give it time." On May 23, 2013, L.C. told the social worker she did not want to see or talk with Mother. The social worker told L.C. she "had to try with phone calls and visits."

L.C. missed the visit on June 23, 2013 because maternal aunt and uncle were visiting, and missed the visit on July 7 to attend church and learn a song. SSA was not required to forcibly prevent L.C. from participating in such worthwhile activities so she could attend a visit with Mother. As stated in *In re S.H.* (2003) 111 Cal.App.4th 310, 319, "while the juvenile court may allow the child to refuse to attend a particular visit, to prevent the child from exercising a de facto veto power, there must be some assurance that, should that occur, another visit will be scheduled and actually take place." Here, the juvenile court authorized makeup visits and, significantly, ordered the continuation of reunification services.

B. *Conjoint Therapy*

Mother argues, "[t]here also is no substantial evidence that [SSA] provided [Mother] reasonable services with respect to conjoint counseling because [SSA] failed to make a reasonable effort to arrange conjoint counseling on the weekends when [Mother] was available."

The evidence supported a finding that SSA made reasonable efforts to arrange conjoint therapy. On June 4, 2013, the social worker contacted L.C.'s therapist to inform her of the order for conjoint therapy. A conjoint therapy appointment was scheduled for June 12, 2013. The social worker provided Mother with the name, address, and telephone number of L.C.'s therapist, informed Mother of the appointment, and provided her a bus route to the therapist's office. Mother later sent the social worker an

e-mail asking if counseling could be scheduled for the weekend. The social worker informed Mother the clinic did not have weekend appointments. Mother did not attend the appointment on June 12.

Mother never contacted L.C.'s therapist, ever. Mother made no effort to explore early morning or evening appointments, or to arrange to take time off from work for conjoint therapy on a weekday.[2] The parties stipulated that Mother would have testified at the six-month review hearing that she had told the social worker she would be more flexible with visitation outside of weekends. If that were true—and the juvenile court questioned whether it was—Mother did not attempt to be more flexible with scheduling conjoint therapy.

Mother argues that SSA should have found a different therapist, one with weekend hours, to conduct conjoint therapy. However, L.C. had a "therapeutic relationship" with her therapist, and the social worker did not believe it was in L.C.'s best interest to use a different therapist for conjoint therapy. It is not reasonable for Mother to demand that L.C. make sacrifices—sacrifices that would not be in her best interest—to accommodate Mother's schedule when Mother was unwilling to make any sacrifices of her own.

Relevant to the issue of conjoint therapy is Mother's failure to comply with the requirement she undergo the section 730 evaluation. SSA and the therapist bent over backwards to accommodate Mother by permitting her to speak with the therapist by telephone for the section 730 evaluation. During the April 25, 2013 progress review hearing, the juvenile court had Mother's counsel contact the assigned therapist and schedule a telephonic appointment. Mother did not call in for the appointment and never underwent the section 730 evaluation. Not only would the section 730 evaluation have been useful for conjoint therapy and other elements of the case plan, but Mother's failure

[2] The record does not disclose whether Mother was in fact working and, if so, what hours she worked.

to undergo that evaluation, despite accommodations, shows that accommodating Mother in scheduling conjoint therapy likely would have been futile.

Mother argues *In re Alvin R.* (2003) 108 Cal.App.4th 962 (*Alvin R.*) is analogous. In *Alvin R.*, the reunification plan required the father and son to participate in conjoint counseling after the son completed eight sessions of individual counseling. (*Id.* at p. 965.) The son did not wish to visit his father, and both the court and social worker recognized that visitation would probably not take place without conjoint therapy. (*Id.* at pp. 967-968, 972.) There was a five-month delay before the son's individual counseling began. (*Id.* at pp. 971-972.) The son's grandmother, who had custody of him, had been unable to arrange the necessary counseling for the son because she wanted a therapist close to her home and felt overwhelmed with two other children engaged in activities. (*Id.* at p. 968.) It took time to find a licensed therapist near the grandmother's home and for the grandmother to schedule therapy sessions. (*Ibid.*) At the six-month review hearing, the juvenile court found that returning the son to his father would create a substantial risk of detriment to the son's physical or emotional well-being, the father had complied with his case plan, and reasonable reunification efforts had been made. (*Id.* at p. 970.)

The father challenged the finding that reasonable reunification services had been provided. (*Alvin R.*, *supra*, 108 Cal.App.4th at p. 970.) The Court of Appeal, in reversing that finding, explained that reunification could not be accomplished without visitation, the son would never consent to visitation without first undergoing conjoint therapy, and conjoint therapy could not be accomplished without some effort to get the son into individual therapy. (*Id.* at p. 973.) The court concluded the social services agency had presented no evidence of having made a good faith effort to get the son into individual therapy. (*Ibid.*) There was no evidence of when the therapy referral was made, no evidence of when the son was placed on a waiting list once it was known the

therapist had no available sessions, no evidence of followup or efforts to "move things along," and no evidence of efforts to assist the grandmother. (*Ibid.*)

This case differs from *Alvin R.* in several significant respects. Here, the evidence showed that SSA did make reasonable efforts to arrange conjoint therapy, obtained the necessary referral, and arranged an appointment with L.C.'s therapist. The primary obstacle to conjoint therapy was Mother's schedule and her unwillingness to make any sacrifices or alterations to that schedule. Although Mother claimed she was only available on weekends, she never contacted L.C.'s therapist to explore appointment options. In this case, unlike *Alvin R.*, visitation could and did proceed without conjoint therapy. In *Alvin R.*, *supra*, 108 Cal.App.4th at page 973, the father had done "all that was required of him under the plan"; here, in stark contrast, Mother was not in compliance with her case plan, would not sign the case plan, and did not sign a referral for services until August 2013. As the juvenile court found, Mother has been "resistant" to services.

DISPOSITION

The orders and findings made at the six-month review hearing are affirmed.

FYBEL, J.

WE CONCUR:

ARONSON, ACTING P. J.

IKOLA, J.